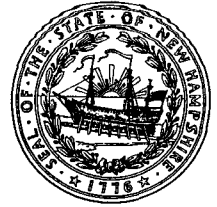




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-65**

October 1, 2004

Dave & Bernadette Kutcher
30 Farmington Rd
Alton, NH 03809

RE: DES Wetlands File #2002-02672 Alton Tax Map 50, Lot 30

Dear Mr. and Ms. Kutcher:

On August 30, 2004, personnel from the New Hampshire Department of Environmental Services conducted a field inspection on property you own in Alton, NH, identified as Town of Alton Tax Map 50, Lot 30 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, RSA 482-B, Rules Env-Ws 1400, the NH Code of Administration and Rules Wt 100-800 and the Wetlands and Non-Site Specific Permit #2002-2672 (the "Permit").

During the inspection the following deficiencies on the Property were documented:

1. The construction of a 6'3"x 8'2" non-water dependent ("NWD") shed on the bank without a permit.
2. The installation of a 7'7"x 19' NWD deck attached to a 5'9"x 17'8" NWD deck connected to a NWD 6'x 8' deck without a permit.
3. A concrete pad was installed as a footing for the pier.
4. The location and dimensions of the pier are not in accordance with the permit.
5. A copy of the recorded permit was not submitted to DES prior to proposed construction.

DES personnel also noted substantial tree removal on the frontage and will be continuing investigation in the near future.

In response, you are requested to take the following actions before November 31, 2005:

1. Submit a copy of the recorded permit to DES prior to restoration.
2. Restore the docking facility to Wetlands and Non-Site Specific Permit #2002-2672 and approved Plans.
3. Install and maintain adequate siltation and or erosion controls where applicable (silt fences, turbidity curtains, hay bales, etc) before and during restoration and only remove when stability is sustained.
4. Submit photos of the restored frontage.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9499

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit —
Alton Conservation Commission
Alton Board of Selectmen
USACOE